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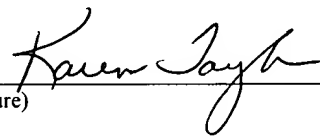
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No. 23643
Group: 3764
Confirmation No.: 9671
Application No.: 09/412,459
Invention: AIRWAY TREATMENT
APPARATUS WITH BIAS LINE
CANCELLATION
Inventor: Nicholas P. Van Brunt
Filed: October 4, 1999
Attorney
Docket: 7175-74159
Examiner: Mathew, Fenn C.

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on June 4, 2004


(Signature)

Karen Taylor
(Printed Name)

TERMINAL DISCLAIMER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JUN 17 2004

TECHNOLOGY CENTER R3700

Sir:

The owner, Advanced Respiratory, Inc., certifies that it is the assignee of the entire right, title, and interest in the patent application identified above by virtue of an Assignment from the inventor to American Biosystems, Inc. as recorded in the records of the U.S. Patent and Trademark Office beginning at Reel/Frame 010301/0774 and by virtue of a Change of Name from American Biosystems, Inc. to Advanced Respiratory, Inc. as recorded in the records of the U.S. Patent and Trademark Office beginning at Reel/Frame 012813/0277. The owner, Advanced Respiratory, Inc., also certifies that it is the assignee of the entire right, title, and interest in U.S.

06/09/2004 HH/HED1 00000019 09412459 110.00 0P
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Patent No. 6,415,791 (having Application No. 09/412,457) by virtue of an assignment from the inventor to American Biosystems, Inc. as recorded in the records of the U.S. Patent and Trademark Office beginning at Reel/Frame 010218/0603 and by virtue of a Change of Name from American Biosystems, Inc. to Advanced Respiratory, Inc. as recorded in the records of the U.S. Patent and Trademark Office beginning at Reel/Frame 012813/0277. Accordingly, the entire right, title, and interest in and to the present application and U.S. Patent No. 6,415,791 are each owned by Advanced Respiratory, Inc.

Advanced Respiratory, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on this application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,415,791. The owner hereby agrees that any patent so granted on this application shall be enforceable only for and during such period that it and U. S. Patent No. 6,415,791 are commonly owned. This agreement runs with any patent granted on this application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the assignee does not disclaim the terminal part of any patent granted on this application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 of U.S. Patent No. 6,415,791, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,415,791 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction from which no appeal is, or can be, taken, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney of record.

A check in the amount of \$110.00 to cover the fee for this Terminal Disclaimer is enclosed.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that any shortages and other fees be charged, or any overpayment in fees be credited, to the account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to our file 7175-74159.

Respectfully submitted,

BARNES & THORNBURG

A handwritten signature in black ink, reading "Ronald S. Henderson". The signature is written in a cursive, flowing style.

Ronald S. Henderson
Attorney Reg. No. 43669

Indianapolis, Indiana
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